

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANDREW T. HINCKLEY,

Plaintiff,

V.

BOARD OF COUNTY COMMISSIONERS
Of THURSTON COUNTY, GARY S.
EDWARDS, Sheriff, Thurston County,
BOARD OF COUNTY COMMISSIONERS
Of YAKIMA COUNTY, and KEN IRWIN,
Sheriff, Yakima County,

Defendants,

Case No.C05-5458RJB

**ORDER GRANTING PLAINTIFF'S
MOTION TO AMEND
COMPLAINT**

This matter comes before the court on the Plaintiff's Motion to Amend Complaint (Dkt.

16). The court has reviewed the motion and the file herein.

Mr. Hinckley moves for leave to amend the complaint to add a claim under 42 U.S.C. § 1983 and to substitute Thurston and Yakima Counties as defendants in place of the Boards of Commissioners for Thurston and Yakima Counties, respectively. Dkt. 16 at 1. This motion is moot, as Federal Rule 15 permits the plaintiff to amend his complaint “by leave of court or by written consent of the adverse party.” Fed. R. Civ. P. 15(a). Because the plaintiff has obtained leave of the defendants to amend the complaint (Dkt. 17), leave of the court is unnecessary. Nevertheless, to clarify the record, the court will grant the order.

1 Finally, it appears that the parties move the court for a protective order. The parties
2 request that “insofar as it is practicable for the court and the clerk of court to do so, the caption
3 of this case . . . be reformed to eliminate any subsequent mention of . . . the Board[s] of
4 Commissioners” and that “neither any party nor the court . . . mention the Board[s] . . . in any
5 subsequent notices or communications concerning this case.” Dkt. 17 at 2. This apparent motion
6 for a protective order is made in the proposed order and does not comply with Local Rule CR 7
7 and should therefore not be considered by the court. *See* Dkt. 17. The Clerk of the Court will,
8 however, amend the caption of the case to reflect the amendment.

9 Therefore, it is now

10 **ORDERED** that the Plaintiff’s Motion to Amend Complaint (Dkt. 16) is **GRANTED**,
11 and the Clerk of the Court shall amend the case caption accordingly.

12 The Clerk of the Court is instructed to send uncertified copies of this Order to all
13 counsel of record and to any party appearing *pro se* at said party’s last known address.

14 DATED this 7th day of November, 2005.



15 Robert J. Bryan
16 United States District Judge

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